

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MOUNTAIN TOP BEVERAGE GROUP, INC.,	:	CASE NO. C-1-01-832
	:	
Plaintiff,	:	District Judge Susan J. Dlott
	:	
v.	:	
	:	
WILDLIFE BREWING N.B., INC., et al.,	:	<u>MOTION TO STAY PROCEEDINGS</u>
	:	<u>IN DISTRICT COURT PENDING</u>
Defendants.	:	<u>APPEAL</u>
	:	

Now comes Plaintiff, Mountain Top Beverage Group, Inc., by and through counsel, and respectfully requests that the Court stay all proceedings in the District Court pending Plaintiff's appeal of this Court's November 21, 2003 decision granting summary judgment in favor of Defendants on Plaintiff's claims. A brief memorandum in support is attached hereto.

Respectfully submitted,

CHERNESKY, HEYMAN & KRESS P.L.L.

/s/ Thomas P. Whelley II

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MEMORANDUM IN SUPPORT

On November 21, 2003, this Court issued an Order granting the motions for summary judgment of Defendants Wildlife Brewing N.B., Inc. and Pittsburgh Brewing Company. The order disposed of only some of the claims involved in this case, as Defendant Wildlife Brewing N.B., Inc.'s claims against Plaintiff Mountain Top Beverage Group, Inc. and Third-Party Defendant B.L.S. of Sarasota are still pending. Plaintiff has filed a Notice of Appeal from the Court's decision granting summary judgment to Defendants on its claims. Plaintiff requests that the Court stay the District Court proceedings on Defendant Wildlife's claims against Plaintiff and Third-Party Defendant until the appeal is resolved.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been served upon the following by electronic transmission on this 5th day of January, 2004:

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